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TOR:282147Z OCT 74

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FM AMEMBASSY ROME  
TO RUEHC/SECSTATE WASHDC 7725  
INFO RUFHOL/AMEMBASSY BONN 5729  
RUFHBS/AMEMBASSY BRUSSELS 5616  
RUEHBAC/AMEMBASSY CANBERRA 0217  
RUDKPNQ/AMEMBASSY COPENHAGEN 1387  
RUDTLN/AMEMBASSY DUBLIN 0694  
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RUDKGPQ/AMEMBASSY THE HAGUE 3358  
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RUFHBS/USMISSION EC BRUSSELS  
RUDISDF/AMEMBASSY REYKJAVIK 0436  
RUEHKO/AMEMBASSY TOKYO 1238

BT

C O N F I D E N T I A L ROME 14880

E.O. 11652: GDS

TAGS: PLOS, UN, NL, EEC

SUBJECT: LOS: CONFERENCE RESOLUTION

REF: THE HAGUE 5207

1. IN RESPONSE TO QUERY, FOREIGN MINISTRY OFFICIAL RECENTLY PROVIDED FOLLOWING INFORMATION EXPLAINING RIPHAGEN'S REFERENCE (REFTEL) TO "UNANIMOUS EC POSITION THAT LOS NEGOTIATORS SHOULD NOT BE FORCED COMPLETE WORK IN 1975".
2. EC CONCERN IS REPORTEDLY THAT LOS BE WOUND UP IN 1975 WITHOUT ESTABLISHING A TIMETABLE THAT MIGHT FORCE A VOTING RATHER THAN CONSENSUS PROCEDURE TOWARD THE END OF NEGOTIATIONS. APPARENTLY, HOWEVER, AMERASINGHE RESA (WHICH WE HAVE NOT SEEN) CONTAINS PRE-AMBULAR LANGUAGE ALLUDING INCORRECTLY TO MANDATE THAT LOS SHOULD BE COMPLETED "AT THE LATEST IN 1975".
3. ACCORDING OUR FONMIN SOURCE, EC DECIDED TWO WEEK AGO THAT WHILE A SECOND 1975 SESSION WOULD LIKELY BE NECESSARY, THE RESA SHOULD EXCLUDE PROPOSED DATES SO AS NOT TO CREATE TIME PRESSURES STRENGTHENING HANDS OF STATES WHICH FAVOR VOTING. VOLPE

*hgs*  
*Chen*

State Dept. review completed

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INFO RUTAIJ/AMEMBASSY ABIDJAN 0513

RUEHCR/AMEMBASSY DAR ES SALAAM 1134

RUTALS/AMEMBASSY LAGOS 1398

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RUQMDI/AMEMBASSY MOGADISCIO 3270

ZEN/AMEMBASSY DAKAR POUCH

ZEN/AMEMBASSY FREETOWN POUCH

ZEN/AMEMBASSY MONROVIA POUCH

ZEN/AMEMBASSY NAIROBI POUCH

ZEN/AMEMBASSY TOKYO POUCH

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C O N F I D E N T I A L

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E.O. 11652: NA

TAGSI PLOS OAU XA OH

SUBJI LOSI 200-MILE ECONOMIC ZONE

REF: ACCRA 5357

1. OAU OFFICIAL DIARRA, WHO WAS OAU REP FOR MOST OF CARACAS LOS CONFERENCE, STATED TO EMBOFF OCT. 4 THAT OAU HAS HEARD OF NO RPT NO NEW MOVES ON PART OF INDIVIDUAL AFRICAN STATES TO DECLARE 200-MILE ECONOMIC ZONE. RESPONSIBILITY FOR DETAILS OF LOS DIVIDED BETWEEN DIARRA'S OFFICE IN ECONOMIC AND SCIENTIFIC AFFAIRS AND LEGAL OFFICE IN POLITICAL AFFAIRS. ACCORDING TO BOTH DIARRA AND LEGAL OFFICER EGBUNIKI, OAU IS NOT ACTIVELY WORKING ON LOS MATTERS.

2. COMMENT: EMBASSY HAS NO RPT NO REASON TO DOUBT ABOVE STATEMENTS OF OAU INACTION ON LOS. WHILE 200-MILE ECONOMIC ZONE IS OAU POSITION, OAU SEEMS UNAWARE OF ANY MOVEMENT TO DECLARE SUCH ZONE IN NEAR FUTURE.

3. DIARRA STATED OAU UN REP (QUATTARA), WHO ATTENDED LAST PORTION OF CARACAS CONFERENCE, MIGHT HAVE LATEST DETAILS ON OAU POSITIONS, WYMAN

*Chromo*  
*OAU*

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TO RUEHC/SECSTATE WASHDC 6002

INFO RUFGHV/USMISSION GENEVA 255

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C O N F I D E N T I A L

LIMITED OFFICIAL USE USUN 3723

E.O 11652: N/A

TAGS: PLOS

SUB: LOS CONFERENCE SCHEDULING FOR 1975

THERE FOLLOWS TEXT OF AIDE-MEMOIRE WITH DRAFT

UNGA RES, RECEIVED FROM CONFERENCE PRESIDENT

AMERASINGHE, WHICH WE UNDERSTAND IS SIMULTANEOUSLY

BEING GIVEN TO OTHER UN MEMBERS TODAY;

QUOTE

ITEM 26 OF THE AGENDA OF THE TWENTY-NINTH SESSION OF THE  
GENERAL ASSEMBLY "THIRD UNITED NATIONS CONFERENCE ON THE  
LAW OF THE SEA" HAS BEEN ALLOCATED THE PLENARY. THE PRESIDENT  
WOULD LIKE MEMBERS OF THE UNITED NATIONS TO CONSIDER  
THE PROCEDURE THAT SHOULD BE ADOPTED IN THE PLENARY  
IN RELATION TO THE ITEM AND THE NATURE OF THE DRAFT RESOLUTION  
THAT SHOULD BE SUBMITTED TO THE GENERAL ASSEMBLY FOR APPROVAL.  
OPERATIVE PARAGRAPH 4 OF GENERAL ASSEMBLY RESOLUTION 3067  
(XXVII) CONTAINS THE GENERAL ASSEMBLY'S DECISION THAT THE CONF-  
ERENCE CONVEENE NOT LATER THAN 1975 ANY SUBSEQUENT SESSION  
OR SESSIONS AS MAY BE DECIDED UPON BY THE CONFERENCE.

AT THE SECOND SESSION HELD IN CARACAS, IT WAS AGREED THAT THE  
CONFERENCE HAD COMPLETED HEARING GENERAL STATEMENTS AND THAT  
AT THE VERY START OF THE NEXT SESSION THE PROCESS OF  
NEGOTIATIONS SHOULD BE INITIATED.

THE CONFERENCE ALSO DECIDED THAT ITS NEXT SESSION BE HELD GENEVA DURI  
NG

THE PRIOD 17 MARCH TO 3 MAY 1975 OR IF POSSIBL E TO 10  
MAY 1975 HAVING REGARD TO THE ARRANGMENTS MADE FOR THE ANNUAL  
SESSION OF THE WORLD HEALTH ASSEMBLY OF THE WORLD HEALTH  
ORGANIZATION. IT HAS BEEN ASCERTAINED THAT SUITABLE ARR-

~~ARRANGEMENTS COULD BE MADE~~ TO ENABLE THE CONFERENCE TO CONTINUE  
ITS THIRD SESSION UNTIL 10 MAY 1975 IN GENEVA.

THE DECISION OF THE CONFERENCE REQUIRES THE GENERAL ASSEMBLY'S  
APPROVAL AND AN APPROPRIATE OPERATIVE PARAGRAPH TO THIS EFFECT

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MUST BE INCLUDED IN THE DRAFT RESOLUTION. THE PRESIDENT WOULD ALSO SUGGEST THAT SERIOUS THOUGHT BE GIVEN TO THE NEED FOR A FURTHER SESSION DURING 1975 IN ORDER TO ENABLE THE CONFERENCE TO REACH FINAL AGREEMENT ON A DRAFT TREATY AND RELATED INSTRUMENTS. IT WOULD APPEAR IMPOSSIBLE, IN THE CONFERENCE WERE TO COMPLY WITH THE RULES OF PROCEDURE RELATING TO THE GENTLEMAN'S AGREEMENT, NAMELY RULE 54 IN THE CASE OF THE MAIN COMMITTEES AND RULE 39 IN THE CASE OF THE PLENARY, AND ALSO IF THE DRAFTING COMMITTEE WERE TO BE ALLOWED SUFFICIENT TIME TO PREPARE THE FINAL TEXTS, EVEN ON THE ASSUMPTION THAT NEGOTIATIONS HAVE BEEN CONCLUDED, FOR THE CONFERENCE TO COMPLETE ITS WORK DURING THE EIGHT WEEKS ALLOCATED TO THE SPRING SESSION IN GENEVA. IN THESE CIRCUMSTANCES, PROVISION MUST BE MADE FOR A FOURTH SESSION TO BE HELD, IF NECESSARY, IN THE SUMMER OF 1975 AND THE QUESTION OF VENUE SHOULD ALSO BE DECIDED AT THE SAME TIME WITHOUT DELAY.

IT WOULD BE NECESSARY TO CONSULT THE GOVERNMENT OF AUSTRIA IN ORDER TO DETERMINE WHETHER THE INVITATION TO THE CONFERENCE TO HOLD A SESSION IN VIENNA WOULD APPLY TO THE FOURTH SESSION, IF ONE SHOULD BECOME NECESSARY, IN ORDER TO ENABLE THE CONFERENCE TO COMPLETE ITS WORK. SHOULD THE GOVERNMENT OF AUSTRIA BE UNABLE, IN THESE CIRCUMSTANCES, TO KEEP OPEN ITS INVITATION TO ACT AS HOST TO THE CONFERENCE, IT WOULD BE NECESSARY TO CONSIDER AN ALTERNATIVE VENUE.

~~AT THE CONFERENCE IN CARACAS~~ AGREED THAT IT HAD COMPLETED HEARING GENERAL STATEMENTS, THE PRESIDENT WOULD SUGGEST THAT, ~~WHEN~~ THE ITEM COMES UP IN THE

PLENARY, THE DISCUSSION OF SUBSTANTIVE ISSUES BE AVOIDED. SUCH A DISCUSSION WOULD APPEAR TO FALL OUTSIDE THE COMPETENCE OF THE GENERAL ASSEMBLY AS THE SUBJECT IS BEING DEALT WITH BY A CONFERENCE OF PLEHIPOTENTIARIES. THE DISCUSSION OF ITEM 26 IN THE PLENARY SHOULD, THEREFORE, BE CONFIRMED TO MATTERS OF PROCEDURE.

THE GENERAL ASSEMBLY WOULD ALSO HAVE TO BE INFORMED OF THE ACCEPTANCE BY THE CONFERENCE OF THE INVITATION EXTENDED BY THE GOVERNMENT OF VENEZUELA AT THE CONFERENCE TO MEET IN CARACAS AT APPROPRIATE DATE FOR A SHORT PERIOD FOR THE SPECIFIC PURPOSE OF SIGNING THE FINAL ACT AND OTHER RELATED INSTRUMENTS ADOPTED BY THE CONFERENCE.

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\*A DRAFT RESOLUTION IS ATTACHED FOR CONSIDERATION. IT IS BEING SENT TO ALL STATES AND GROUPS THAT ATTENDED THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA EITHER AS FULL PARTICIPANTS OR AS OBSERVERS.

THE GENERAL ASSEMBLY,

RECALLING ITS RESOLUTION 3067 (XXVIII) AND IN PARTICULAR OPERATIVE PARAGRAPH 4 OF THAT RESOLUTION CONTAINING THE DECISION TO CONVENE THE SECOND SESSION OF THE CONFERENCE FOR THE PURPOSE OF DEALING WITH THE SUBSTANTIVE WORK OF THE CONFERENCE, FOR A PERIOD OF TEN WEEKS FROM 20 JUNE TO 20 AUGUST 1974 AT CARACAS AND, IF NECESSARY, TO CONVENE NOT LATER THAN 1975 ANY SUBSEQUENT SESSION OR SESSIONS AS MAY BE DECIDED UPON BY THE CONFERENCE AND APPROVED BY THE GENERAL ASSEMBLY.

NOTING THE LETTER ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY ON

29 AUGUST BY THE PRESIDENT OF THE CONFERENCE REGARDING THE DECISIONS REACHED AT THE SECOND SESSION HELD AT CARACAS (A/9721), NOTING FURTHER THE DECISION OF THE CONFERENCE TO INVITE NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND THE LEAGUE OF ARAB STATES TO PARTICIPATE IN ITS PROCEEDINGS AS OBSERVERS WITHOUT THE RIGHT TO VOTE,

1. APPROVES THE DECISION OF THE CONFERENCE, AS CONTAINED IN THE LETTER

OF ITS PRESIDENT TO THE PRESIDENT OF THE GENERAL ASSEMBLY (A/9721), TO CONVENE THE THIRD SESSION OF THE CONFERENCE FOR THE PERIOD 17 MARCH TO (10) MAY 1975 IN GENEVA;

2. AUTHORIZES THE CONFERENCE TO HOLD A FURTHER SESSION, IF IT DECIDES THAT THIS IS NECESSARY, FOR A PERIOD NOT EXCEEDING (-----) WEEKS IN (-----) IN (JULY/AUGUST) 1975;

3. APPROVES THE RECOMMENDATION OF THE CONFERENCE THAT:  
(A) PAPUA NEW GUINEA, WHICH IS ALREADY CONDUCTING ITS OWN RELATIONS AS AN INDEPENDENT NATION, SHOULD BE INVITED, IF INDEPENDENT, TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS A PARTICIPATING STATE OR, IF NOT YET INDEPENDENT, TO ATTEND AS AN OBSERVER;

(B) THE COOK ISLANDS, SURINAM, THE NETHERLANDS ANTILLES AND THE WEST INDIES ASSOCIATED STATES SHOULD BE INVITED TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS OBSERVERS OR, SHOULD

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THEY BY THAT TIME BE INDEPENDENT, TO ATTEND AS PARTICIPATING STATES;

4. NOTES THE DECISION OF THE CONFERENCE TO ACCEPT THE INVITATION OF THE GOVERNMENT OF VENEZUELA TO MEET IN CARACAS AT AN APPROPRIATE DATE FOR THE PURPOSE OF SIGNING THE FINAL ACT AND REALTED INSTRUMENTS ADOPTED BY THE CONFERENCE. UNQUOTE  
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RUFNPS/AMEMBASSY PARIS 524

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C O N F I D E N T I A L USUN 3832

E.O. 11652: GDS

TAGS: PLOS UN

SUBJ: DEPENDENT TERRITORY OBSERVERS AT LOS CONFERENCE

REF: USUN 3727 (NOTAL)

SUMMARY: (A) UKUN IS ANTICIPATING INSTRUCTIONS TO PRO-  
POSE THAT UNGA'S LAW OF THE SEA CONFERENCE RESOLUTION,  
WHICH IS BEGINNING TO BE DISCUSSED IN CORRIDORS, SHOULD  
INCLUDE A PARAGRAPH INVITING DEPENDENT TERRITORIES  
GENERALLY TO PARTICIPATE IN 1975 SESSIONS OF THE CON-  
FERENCE AS OBSERVERS. BELIEVE IMMEDIATE DISCUSSION  
WITH UK IS NEEDED IF DEPARTMENT HAS DIFFICULTY WITH  
BRITISH IDEA. (B) ON POSSIBLE 1975 SUMMER SESSION, IT  
SEEMS LIKELY AUSTRIA WILL NOT OFFER VIENNA UNLESS A  
DECISION IS TAKEN AT CURRENT GA WHICH WOULD EXPRESSLY  
NAME VIENNA AND SPECIFYING AT LEAST A RANGE OF DATES. END SUMMARY.

1. MISOFF JOINED DISCUSSION 8 OCT CALLED BY AUSTRALIA  
WITH NETHERLANDS, NEW ZEALAND AND UK ON INVITATIONS  
ISSUE RAISED IN OPERATIVE PARA 2 OF AMERASINGHE'S  
DRAFT UNGA LOS RES FOR CONFERENCE'S WORK IN 1975  
(REFTEL). WILL BE RECALLED THAT LOS CONFERENCE AT  
CARACAS DECIDED TO INVITE PARTICIPATION OF PAPUA NEW  
GUINEA, NETHERLANDS ANTILLES, SURINAM AND COOK ISLANDS.  
AMERASINGHE'S OPERATIVE PARA 2 REFLECTS THAT DECISION  
IN FOLLOWING TERMS:

"APPROVES THE RECOMMENDATION OF THE CONFERENCE THAT:  
(A) PAPUA NEW GUINEA, WHICH IS ALREADY  
CONDUCTING ITS OWN RELATIONS AS AN INDEPENDENT  
NATION, SHOULD BE INVITED, IF INDEPENDENT, TO ATTEND ANY  
FUTURE SESSION OF THE CONFERENCE AS A PARTICIPATING  
STATE OR, IF NOT YET INDEPENDENT, TO ATTEND AS AN  
OBSERVER;

(B) THE COOK ISLANDS, SURINAM, THE NETHERLANDS  
ANTILLES AND THE WEST INDIES ASSOCIATED STATES

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SHOULD BE INVITED TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS OBSERVERS OR, SHOULD THEY BY THAT TIME BE INDEPENDENT, TO ATTEND AS PARTICIPATING STATES;"

2. AUSTRALIAN PARTICIPANT SAID GOA HAD FOUND THAT PORT MORESBY WANTED MORE EMPHASIS PUT ON FORTHCOMING INDEPENDENCE OF PAPUA NEW GUINEA. ALSO, NEW ZEALAND HAS DECIDED TO SEEK INCLUSION OF NIUE ALONG WITH COOK ISLANDS SINCE DURING CURRENT MONTH NEW CONSTITUTION FOR NIUE WILL ENTER INTO FORCE WITH PROVISIONS ON SELF-GOVERNMENT AND INDEPENDENCE POTENTIAL SIMILAR TO THOSE OF COOK ISLANDS CONSTITUTION. AUSTRALIA AND NEW ZEALAND MISOFFS THUS PROPOSED FOLLOWING REWORDING OF AMERASINGHE TEXT: "DECIDES TO REQUEST THE SECRETARY-GENERAL TO INVITE: (A) PAPUA NEW GUINEA TO ATTEND ANY FUTURE SESSIONS OF THE CONFERENCE, IF INDEPENDENT, AS A PARTICIPATING STATE, AND, WHILE NOT INDEPENDENT, TO ATTEND AS AN OBSERVER; AND (B) THE COOK ISLANDS, SAMOA, THE NETHERLANDS ANTILLES AND THE WEST INDIES ASSOCIATED STATES TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS OBSERVERS, OR, IF ANY OF THEM BECOME INDEPENDENT, AS PARTICIPATING STATES". UK AND DUTCH PARTICIPANTS FORESAW NO PROBLEMS BUT UNDERTOOK TO CHECK WITH CAPITALS FOR FURTHER DISCUSSION, POSSIBLY ON 10 OCT.

3. STRESSING HE SPEAKING AD REFERENDUM, MISOFF SUGGESTED ADDING FOLLOWING ADDITIONAL SUBPARA:

"(C) THE TRUST TERRITORY OF THE PACIFIC ISLANDS TO ATTEND FUTURE SESSIONS OF THE CONFERENCE AS AN OBSERVER".

IN RESPONSE TO AUSTRALIAN QUESTION, MISOFF SAID INCLUSION OF TTPI IN SUBPARA (B) WOULD NOT BE PRACTICABLE BECAUSE MENTION OF "INDEPENDENCE" COULD CREATE SERIOUS PROBLEMS.

WHEN AUSTRALIAN SAID GOA POLICY COULD MAKE IT DIFFICULT FOR AUSTRALIA TO APPEAR TO BE SUPPORTING CONFERENCE PARTICIPATION BY A DEPENDENT TERRITORY WHOSE ATTAINMENT OF INDEPENDENCE OVER A LENGTHY PERIOD OF TIME WOULD APPEAR TO BE EXCLUDED, MISOFF PROPOSED SUBPARA (C) READ: "THE TRUST TERRITORY OF THE PACIFIC ISLANDS TO ATTEND SESSIONS OF THE CONFERENCE IN 1975 AS AN OBSERVER"

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SINCE USG IN ANY EVENT WISHES CONFERENCE TO COMPLETE ITS BUSINESS NO LATER THAN NEXT YEAR, 4. POTENTIALLY SERIOUS PROBLEM REQUIRING DEPARTMENT CONSIDERATION WAS POSED BY UKUN WHICH, ANTICIPATING INSTRUCTIONS, PROPOSED ADDING A NEW PARA (PRESUMABLY AS PARA 4) TO AMERASINGHE TEXT TO READ:

"DECIDES TO REQUEST THE SYG, IN VIEW OF THE VITAL IMPORTANCE OF THE CONFERENCE TO DEPENDENT TERRITORIES, TO ISSUE INVITATIONS TO ADMINISTERING POWERS WITH A VIEW TO ENABLING THEM TO INVITE THEIR DEPENDENCIES, AS APPROPRIATE, TO ATTEND THE CONFERENCE".

BRITISH PARTICIPANTS SAID THEIR LOS EXPERTS BELIEVE PARTICIPATION BY BRITISH DEPENDENT TERRITORIES WOULD BE USEFUL AND HELPFUL TO SHARED VIEWS ON LOS ISSUES. THEY EXPLAINED FOREGOING WORDING IS DESIGNED (A) TO APPLY ONLY TO LOS CONFERENCE AND NOT TO SET A PRECEDENT FOR UN CONFERENCES ACROSS THE BOARD (THUS THEIR LANGUAGE "IN VIEW OF THE VITAL IMPORTANCE OF THE CONFERENCE TO DEPENDENT TERRITORIES"); (B) TO HAVE INVITATIONS CHanneled BY UN SYG TO ADMINISTERING AUTHORITIES, NOT DIRECTLY TO DEPENDENT TERRITORIES; AND (C) TO EXCLUDE CONTESTED TERRITORIES EG FALKLANDS, BELIZE, GIBRALTAR (THUS "DEPENDENCIES, AS APPROPRIATE") AND THEREBY AVOID OPPOSITION BY ARGENTINA, GUATEMALA AND SPAIN. MISOFF SAID HE WOULD LIKE WASHINGTON TO HAVE AN OPPORTUNITY TO CONSIDER BRITISH SUGGESTION BEFORE IT IS MADE TO WIDER GROUP, WHICH MIGHT OTHERWISE BE PRECLUDED. HE SUGGESTED PRINCIPAL DIFFICULTIES ARE POLITICAL IMPOSSIBILITY OF LIMITING THIS IDEA TO LOS CONFERENCE, LIKELIHOOD OF AMENDMENT BEING PRESSED AND ADOPTED WHICH WOULD HAVE SYG SEND INVITATIONS DIRECTLY TO NON-SELF-GOVERNING TERRITORIES, AND PROBLEMS CREATED FOR US BY POSSIBLE PRESSURES FOR OBSERVER STATUS FROM AMERICAN SAMOA, GUAM AND US. VIRGIN ISLANDS.

5. COMMENT: ALTHOUGH FOLLOWING MUST BE PROTECTED, WE UNDERSTAND FROM UKUN THAT THEIR SUGGESTION MAY BE DISCUSSED AT 10 OCT AM MTG OF EC-9 AMBASSADORIAL GROUP. BELIEVE THAT DEPARTMENT MAY WISH TO CONSIDER

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DISCUSSING FURTHER WITH BRITISH BEFORE EC-9 DISCUSSION  
TAKES PLACE. ONE POSSIBILITY MIGHT BE TO SUGGEST  
THAT UK SIMPLY TAKE DECISION TO INCLUDE REPS OF  
APPROPRIATE BRITISH NSGT'S ON THEIR LOS DEL; ANOTHER  
WOULD BE THAT GA RES RECOMMEND THAT NSGT'S NOT  
OTHERWISE PRESENT AS OBSERVERS AT CONFERENCE SHOULD  
BE REPRESENTED ON DELS OF ADMINISTERING  
AUTHORITIES. END COMMENT,

6. AUSTRIAN MISSION INFORMS THEY HAVE RECOMMENDED  
TO VIENNA THAT GOA NOT RPT NOT AGREE TO HOST A LATE-  
SUMMER 1975 SESSION OF THE CONFERENCE UNLESS THE  
CURRENT GA RES EXPRESSLY MENTIONS VIENNA AND THE  
DATES (SEE AMERASINGHE OPERATIVE PARA 2). THEY  
REALIZE THERE MAY BE GREAT UNWILLINGNESS ON PART OF  
MANY TO AGREE NOW THAT A JULY/AUGUST SESSION WILL  
BE NECESSARY BUT SAY THAT SECURING CONFERENCE,  
OFFICE AND HOTEL ACCOMMODATIONS IN VIENNA COULD  
NOT REASONABLY BE DELAYED CONTINGENT UPON A  
DECISION TO BE TAKEN AS LATE AS END OF  
GENEVA SESSION IN MAY, SCALI

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TO RUEHC/SECSTATE WASHDC PRIORITY 6241

INFO RUDTC/AMEMBASSY LONDON 9366

RUFNPS/AMEMBASSY PARIS 555

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CONFIDENTIAL USUN 3956

E.O. 11652: GDS

TAGSI PLOS UN

SUBJ: DEPENDENT TERRITORY OBSERVERS AT LOS CONFERENCE

REF: USUN 3832

1. AT FURTHER DISCUSSION TODAY, AUSTRALIA AGREED, ON BEHALF OF AUSTRALIA, NZ, UK, AND US, TO GIVE AMERASHIGHE A REVISED PARA ON OBSERVER INVITATIONS ALONG LINES REFTEL PARA 2 AND INCLUDING SUBPARA (C) READING "THE TRUST TERRITORY OF THE PACIFIC ISLANDS TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS AN OBSERVER. AUSTRALIA WILL ALSO BE CONSULTING WITH AFRICANS IN EFFORT TO ENSURE ACCEPTANCE.

2. UN SUGGESTION FOR AN ADDITIONAL PARA INVITING DEPENDENT TERRITORIES GENERALLY TO ATTEND (REFTEL PARA 4) WAS NOT RPT NOT DISCUSSED. SEPARATELY AUSTRALIANS TOLD US THEY ARE OPPOSED TO BRITISH SUGGESTION ON GROUNDS IT INCAPABLE OF GAINING ACCEPTANCE BECAUSE IT IS "INSUFFICIENTLY ANTI-COLONIAL" IN BOTH CONCEPT AND DRAFTING. LATER MISOFF TOLD UKUN OFFICER DEPARTMENT WOULD PREFER BRITISH NOT MOVE FORWARD ON THEIR SUGGESTION AND NOTED THAT THIS HAD BEEN DISCUSSED DURING A CONVERSATION IN WASHINGTON BY PROF MOORE AND BLOVER OF BRITISH EMB. COMMENT: FACT UKUN REFRAINED FROM DISCUSSING LONDON'S IDEA AT AUSTRALIA-NZ-UK-US MEETING TODAY MAY, HOPEFULLY, THAT LONDON MAY BE HAVING SECOND THOUGHTS.

3. AUSTRALIAN MISOFF SAID HE REGARDS AMERASINGHE PROPOSAL FOR A JULY/AUGUST SESSION AS THE ONLY REALLY DIFFICULT ASPECT OF THE DRAFT LOS RES. HE BELIEVED IT WOULD ENCOUNTER STRONG AFRICAN OPPOSITION ON GROUNDS (A) HARD-PRESSED AFRICAN MINISTRIES CANNOT AFFORD TO SEND EXPERTS TO A SPRING SESSION AND A SUMMER SESSION, AND (B) DECIDING NOW ON, OR EXPLICITLY RESERVING POSSIBILITY OF, A SUMMER SESSION WOULD DISCHARGE SPRING SESSION PARTICIPANTS FROM

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DEFINITIVE NEGOTIATIONS. HOWEVER, AUSTALIA SAID IT  
WOUDL EITHER SUPPORT NOR OPPOSE A SUMMER SESSION. IN  
LATER CONVERSATION UKUN OFFICER STATED CONCERN THAT  
OPPOSITION TO A SUMMER SESSION MIGHT MAKE IMPOSSIBLE  
CONCLUSION OF A SUITABLE CONVENTION IN 1975. THERE  
WOULD BE GREAT RELUCTANCE TO COME TO NEW YORK DIRUNG  
JULY-AUGUST, AND VENEZUELA WOULD PROBABLY BE WILLING TO  
HOST A FUTHER SUBSTANTIVE SESSION IN CARACAS ONLY IF  
GIVEN SOME "GUARANTEE" THAT SUCH A SESSION WOULD END  
WITH THE SIGNING OF THE NEW CONVENTION. SCALI

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INFO RUFHAU/AMEMBASSY VIENNA 7852  
RUESRS/AMEMBASSY CARACAS 6959  
RUDTC/AMEMBASSY LONDON 0682

BT

C O N F I D E N T I A L STATE 225996

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: US RESOLUTION ON LOS CONFERENCE

REF: (A) USUN 3723; (B) USUN 3832

1. DRAFT RESOLUTION CONTAINED REF (A) ON LOS CONFERENCE SCHEDULING FOR 1975 IS GENERALLY GOOD AND U.S. CAN AGREE TO TEXT WITH MODIFICATIONS INDICATED BELOW.

2. INCLUSION OF TTPI. IT WILL BE NECESSARY TO INCLUDE SPECIFIC INVITATION FOR TTPI. NEW PARA (C) ALONG LINES SUGGESTED BY U.S. DELOFF (PARA 3 REF B) PROVIDING FOR ATTENDANCE OF TTPI AT "FUTURE SESSIONS OF THE CONFERENCE AS AN OBSERVER" IS SATISFACTORY. WE PREFER THIS FOR ULA TO SECOND (WHICH WAS SUGGESTED IN RESPONSE TO AUSTRALIAN OBJECTION REFERRING TO ATTENDANCE AT 1975 SESSIONS OF CONFERENCE. LATTER SUGGESTS THERE MAY BE CONFERENCE SESSION IN 1976 AND WE WOULD PREFER THAT NO IMPLICATION BE MADE IN CONFERENCE RESOLUTION THAT WORK WILL NOT CONCLUDE DURING 1975. U.S. MISSION CAN POINT OUT TO AUSTRALIAN REL THAT CONFERENCE CANNOT REALISTICALLY CONTINUE OVER "LENGTHY PERIOD OF TIME" AND THEREFORE PARA ON INVITATION TO TTPI TO ATTEND CONFERENCE DOES NOT PREJUDICE QUESTION OF ATTAINMENT OF INDEPENDENCE.

3. UKUN PROPOSAL. ON QUESTION OF INVITATION TO DEPENDENT AREA, UKUN PROPOSAL (PARA 4 REF B) RAISES SERIOUS PROBLEMS FOR U.S. USUN SHOULD INFORM UKUN REP THAT WE HOPE UK WILL NOT PRESS PROPOSAL. WE WOULD NOT WISH TO SEE INVITATION EXTENDED BY GA TO U.S. DEPENDENCIES EITHER AS INDEPENDENT OBSERVERS OR AS PART OF U.S. DEL. SUCH A PROVISION COULD GAIN WIDESPREAD SUPPORT AMONG LDCS WITH A SERIOUS RISK OF BEING AMENDED INTO AN EVEN MORE UNACCEPTABLE FORM AS INDICATED PARA 4 REF (B). WE RECOGNIZE THAT SOME MIGHT ARGUE THAT IN VIEW OF INVITATION TO TTPI THERE

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IS NO REASON NOT TO INVITE DEPENDENCIES. IF THIS ISSUE ARISES, U.S. DEL SHOULD POINT OUT THAT TTPI HAS A UNIQUE STATUS AS A UN TRUST TERRITORY WITH THE U.S. AS ADMINISTERING AUTHORITY. THIS IS LEGALLY AND SUBSTANTIVELY DIFFERENT FROM U.S. DEPENDENCIES SUCH AS THE VIRGIN ISLANDS AND GUAM.

4. FURTHER SESSIONS OF LOS. DEPT BELIEVES IT WOULD BE DESIRABLE TO INCLUDE IN CONFERENCE RESOLUTION PROVISION STRESSING IMPORTANCE OF CONCLUDING CONFERENCE IN 1975. THIS COULD BE INCLUDED IN ADDITIONAL OPERATIVE PARAGRAPH 4 "NOTES THE IMPORTANCE OF CONCLUDING THE CONFERENCE IN 1975 AS CALLED FOR IN RESOLUTION 3067 (XXVIII)." USUN SHOULD ALSO SEEK TO AMEND OPERATIVE PARA 4 TO READ "APPROVES THE DECISION OF THE CONFERENCE" INSTEAD OF "NOTES THE DECISION OF THE CONFERENCE." THIS WOULD GIVE ADDITIONAL IMPETUS TO HOLDING CARACAS SESSION.

5. WE BELIEVE IT ESSENTIAL THAT U.S. TAKE ALL NECESSARY STEPS TO ENSURE THAT THERE IS ADEQUATE TIME SET ASIDE TO COMPLETE LOS NEGOTIATIONS IN 1975. THEREFORE RESOLUTION SHOULD SPECIFICALLY PROVIDE FOR ADDITIONAL SESSION IN 1975, PARTICULARLY IN VIEW OF POSITION TAKEN BY AUSTRIANS ON SCHEDULING QUESTION (PARA 6, REF B). WE WOULD PREFER LANGUAGE IN CONFERENCE RESOLUTION SUCH AS THAT CONTAINED IN AMERASINGHE'S DRAFT OPERATIVE PARA 2, WHICH WOULD LEAVE TO GENEVA SESSION DECISION ON WHETHER TO HAVE A FURTHER SUBSTANTIV SESSION BEFORE CARACAS CONCLUDING SESSION. HOWEVER, IF IT IS NECESSARY SPECIFICALLY TO SCHEDULE SECOND SESSION IN CONFERENCE RES IN ORDER TO ENSURE NECESSARY BUDGET AND ADMINISTRATIVE ARRANGEMENTS AND TO RESERVE CONFERENCE FACILITIES, USUN SHOULD SEE THAT APPROPRIATE LANGUAGE IS INCORPORATED IN RES. DEPT SUGGESTS OPERATIVE PARA 2 OF DRAFT RESOLUTION READ "AUTHORIZED THE CONFERENCE TO HOLD A FURTHER SESSION, IF IT DECIDES THAT THIS IS NECESSARY, FOR A PERIOD NOT EXCEEDING EIGHT WEEKS IN JULY-AUGUST 1975." (FYI. FOR FUNDINGS REASONS WE WOULD PREFER NOT BEGINNING A SESSION BEFORE THE NEW FISCAL YEAR. END FYI). WE ARE SUGGESTING EIGHT WEEKS TACTICALLY ALTHOUGH SIX MAY BE MORE REALISTIC. WE WOULD NOT OBJECT TO ALTERNATIVE OF HAVING FULL SESSION IN CARACAS INSTEAD OF GENEVA IF THAT HAS GREATER

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TOR:122218Z OCT 74

ACCEPTANCE. MOST IMPORTANT IS TO ENSURE THAT NECESSARY  
ARRANGEMENTS BE MADE SO THAT FULL SESSION CAN BE HELD IF,  
AS WE EXPECT, THIS PROVES NECESSARY. INGERSOLL

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ZEN/AMEMBASSY JIDDA BY POUCH  
ZEN/AMEMBASSY AMMAN BY POUCH  
ZEN/AMEMBASSY SUVA BY POUCH  
ZEN/USINT BAGHDAD BY POUCH  
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AMEMBASSY BEIRUT  
AMEMBASSY DAMASCUS

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C O N F I D E N T I A L STATE 226040

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: U.S. FISHERIES LEGISLATION

1. AS POSTS ARE AWARE, THE UNITED STATES CONGRESS HAS BEFORE IT LEGISLATION (S. 1988) WHICH WOULD UNILATERALLY EXTEND U.S. FISHERIES JURISDICTION FROM 12 TO 200 MILES. ON SEPTEMBER 17 SENATE FOREIGN RELATIONS COMMITTEE BY VOTE OF 9 TO 8 REPORTED OUT BILL UNFAVORABLY. ON SEPTEMBER 27 BILL WAS REFERRED TO SENATE ARMED SERVICES COMMITTEE WHICH WILL HOLD HEARINGS DURING WEEK OF OCTOBER 7 AND IS EXPECTED TO REPORT OUT LEGISLATION BY NOVEMBER 15.

2. NEARLY IDENTICAL LEGISLATION IS ALSO BEFORE HOUSE OF REPRESENTATIVES (H.R. 8665). NO HEARINGS HAVE YET BEEN HELD ON HOUSE BILL.

3. WE HOPE THAT LEGISLATION WILL NOT GO TO A VOTE THIS

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NC 68347

TOR:122302Z OCT 74

SESSION OF CONGRESS. IF THERE IS NO VOTE, IT WILL BE NECESSARY FOR LEGISLATION SPONSORS TO RESUBMIT BILL NEXT YEAR. WE FEEL WE CAN PROBABLY CONTAIN PRESSURES FOR UNILATERAL 200 MILE MOVE IF G.A. SCHEDULE FOR LOS CONFERENCE IS ADHERED TO.

4. EXECUTIVE BRANCH HAS MOUNTED MAJOR EFFORT TO DEFEAT 200-MILE LEGISLATION. PRINCIPAL ARGUMENTS AGAINST THIS LEGISLATION ARE:

--THE MOST EFFECTIVE SOLUTION TO U.S. AND OTHER NATIONS' OCEANS PROBLEM IS A COMPREHENSIVE TREATY ON THE LAW OF THE SEA. UNILATERAL ACTION IS LIKELY TO TRIGGER UNILATERAL CLAIMS BY OTHER NATIONS AND COULD HURT THE CHANCES OF A SUCCESSFUL TREATY.

--UNILATERAL ACTION BY THE U.S. COULD LEAD TO CONFRONTATIONS WITH NATIONS FISHING OFF OUR COASTS.

--A UNILATERAL EXTENSION WOULD NOT BE CONSISTENT WITH U.S. INTERNATIONAL LEGAL OBLIGATIONS, PARTICULARLY THE CONVENTION ON THE HIGH SEAS.

--PENDING ENTRY INTO FORCE OF A COMPREHENSIVE LAW OF THE SEA TREATY, THE EXECUTIVE BRANCH IS TAKING CONCRETE STEPS TO RELIEVE THE INTERIM FISHERIES PROBLEM FOR U.S. FISHERMEN BY STEPS SUCH AS: A) STRENGTHENED BILATERAL AND MULTILATERAL AGREEMENTS TO PROTECT U.S. FISHERY RESOURCES AND B) NEW ENFORCEMENT PROCEDURES TO PROTECT LIVING RESOURCES OF THE U.S. CONTINENTAL SHELF.

5. WE DO NOT REPEAT NOT WISH TO GIVE ANY PUBLICITY TO CONGRESSIONAL PRESSURE ON FISHERIES SINCE THIS TENDS TO UNDERCUT U.S. BARGAINING LEVERAGE IN LOS CONFERENCE, AND POSTS SHOULD NOT RAISE ISSUE WITH HOST GOVERNMENT UNLESS INSTRUCTED TO DO SO. HOWEVER, IF ASKED POST SHOULD MAKE FOLLOWING POINTS:

A) PROPOSED LEGISLATION RESULTS FROM SERIOUS LEGITIMATE CONCERN WITH OVER-FISHING OFF U.S. COASTS.

B) BEST WAY FOR ALL NATIONS TO RESOLVE SUCH PROBLEMS IS THROUGH A TIMELY COMPREHENSIVE LAW OF THE SEA TREATY.

C) SENATE FOREIGN RELATIONS COMMITTEE HAS EXPRESSED OPPOSITION TO LEGISLATION AND BILL IS NOW BEFORE SENATE ARMED SERVICES COMMITTEE WHICH IS LIKELY ALSO TO OPPOSE. HOWEVER, IT IS NOT CERTAIN WHETHER THE BILL WILL GO TO A

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VOTE IN SENATE THIS TERM OR WHAT ACTION WILL BE TAKEN IN THE HOUSE ON SIMILAR LEGISLATION.

D) THE EXECUTIVE BRANCH IS STRONGLY OPPOSING THE LEGISLATION.

E) IT IS IMPORTANT FOR ALL NATIONS TO WORK FOR AN LOS TREATY DURING 1975, AND TO CONCLUDE A TREATY ON UNGA SCHEDULE.

6. FOR TOKYO, MOSCOW AND PARIS. UNLIKE GENERAL INSTRUCTIONS TO OTHER POSTS IT WOULD BE USEFUL FOR POSTS IN

TOKYO, MOSCOW AND PARIS TO STRESS NEED FOR CONCLUSION OF LOS TREATY IN 1975 IF U.S. IS TO BE ABLE TO AVOID PRESSURES TO GO UNILATERAL WITH A 200-MILE FISHING ZONE. BOTH SOVIETS AND JAPANESE ARE HEAVY DISTANT WATER FISHING NATIONS OFF U.S. COAST. FRENCH, THOUGH NOT FISHING OFF U.S. COASTS, HAVE SEEMED RELUCTANT TO SUPPORT MEANINGFUL CONFERENCE WORK SCHEDULE DURING 1975 AND IT COULD BE HELPFUL TO MAKE THEM MORE APPRECIATIVE OF REAL PRESSURES FOR UNILATERAL ACTION IN U.S. INGERSOLL

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TOR:150130Z OCT 74

R 150021Z OCT 74

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TO RUEHC/SECSTATE WASHDC 6388

INFO RUDTC/AMEMBASSY LONDON 9380

RUFNPS/AMEMBASSY PARIS 587

BT

C O N F I D E N T I A L USUN 4071

E.O. 11652: GDS

TAGS: PLOS

SUB: LOS CONFERENCE - DEPENDENT TERRITORIES

REF: STATE 225996

RICHARDSON OF UKUN TODAY CONFIRMED THAT LONDON WILL NOT  
RPT NOT PRESS A GENERALIZED INVITATION TO DEPENDENT  
TERRITORIES TO ATTEND FUTURE SESSIONS AS OBSERVERS  
BUT WILL, INSTEAD, "SEEK TO DEAL WITH MATTER IN SOME  
OTHER WAY". SCALI

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E.O. 11652: N/A

TAGS:PLOS, ET, PORG

SUBJECT: LAW OF THE (LOS) AND THE OAU  
TO HELP IN PLANNING OUR APPROACH TO AFRICAN NATIONS ON  
LOS QUESTIONS IN THE NEXT FEW MONTHS, WOULD APPRECIATE  
KNOWING THE MAKEUP OF ANY OAU COMMITTEES ESTABLISHED  
TO PREPARE OAU POSITIONS FOR UPCOMING COUNCIL OF  
MINISTERS MEETINGS. WOULD ALSO APPRECIATE YOUR ESTIMATE  
OF EFFECTIVENESS OUR USING OAU SECRETARIAT AS A CHANNEL  
FOR INFORMING THE ORGANIZATION OF OUR LOS POSITION. KISSINGER

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TOR:180225Z OCT 74

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C O N F I D E N T I A L USUN 4196

E.O. 11652: GDS

TAGS: PLOS

REF: STATE 225996

SUBJ: AMERASINGHE RESOLUTION ON LOS CONFERENCE

1. SUMMARY. MISOFFS HELD CONVERSATIONS WITH HALL AND STAVROPOULOS 17 OCT CONCERNING AMERASINGHE DRAFT RES ON 1975 LOS CONFERENCE WORK. EACH THOUGHT LDC'S, AND ESPECIALLY AF'S, WOULD NOT RPT NOT AGREE THAT CURRENT RES SHOULD CALL FOR A SUMMER SESSION, AND EXPRESSED VIEW THAT A WAY HAD TO, AND COULD BE, FOUND, EVEN ABSENT AN EXPRESS PROVISION IN THE RES, FOR THE CONFERENCE TO DECIDE AT THE CONCLUSION OF THE SPRING SESSION THAT A SUMMER SESSION SHOULD BE HELD. IN THEIR OPINION, HEADQUARTERS WOULD BE THE ONLY POSSIBLE SUMMER SESSION SITE, AND THEY RECOGNIZED THE OPPOSITION WHICH NYC IN JULY/AUG COULD STIMULATE. THEY ASKED FOR USUN HELP IN THE MATTER. END SUMMARY.

2. DETAILS. HALL, CHIEF OF SEA AND OCEAN AFFAIRS, TOLD MISOFF OF GROWTH OF SUBSTANTIAL OPPOSITION TO INCLUDING IN LOS RES ANY SPECIFIC MENTION OF A SECOND SESSION OF THE CONF IN 1975. HALL SAID THE AF'S ARE STRONGLY OPPOSED, AS IN FRANCE. IN SAME VEIN, SYG SPECIAL REP STAVROPOULOS SAID HE HAS LEARNED OF AN AF GROUP DISCUSSION OF THE MATTER THAT HAD TAKEN PLACE AT THE BEGINNING OF CURRENT WEEK. KENYA HAD VIGOROUSLY OPPOSED AMERASINGHE SUMMER SESSION PARA, APPARENTLY INSISTING, AMONG OTHER REASONS, THAT EXPRESSLY TO ANTICIPATE A SUMMER SESSION WOULD MEAN THAT CONF PARTICIPANTS AT SPRING SESSION WOULD NOT RPT NOT NEGOTIATE SERIOUSLY, AND HAD CITED LA TERRITORIALISTS AND UNNAMED STRAITS STATES IN THIS REGARD. HALL LIKEWISE, TOLD MISOFF THAT, IN HIS OPINION, MENTION OF A SECOND SESSION WOULD ABSOLUTELY REMOVE ALL INCENTIVE TO NEGOTIATE IN MARCH AND A WAIT-AND-SEE MOOD WOULD PREVAIL IN GENEVA, AS IT HAD IN CARACAS. HALL THOUGHT

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AMERASINGHE (WHO IS OUT OF THE COUNTRY UNTIL MID-NEXT WEEK) CERTAINLY REALIZED LDC OPPOSITION AND, ALTHOUGH AMERASINGHE WOULD LIKELY BE COMPELLED TO DROP PROPOSED REF TO A SECOND SESSION FROM THE RES, HE WOULD HAVE AT LEAST MADE HIS POINT AS TO THE VERY REAL POSSIBILITY OF THE NEED FOR A SECOND SESSION. STAVROPOULOS THOUGHT THAT THE ACTUAL, AS OPPOSED TO THE APPARENT, AF POSITION WOULD BE THAT THE AF'S WOULD IN TIME BE PREPARED TO CONSIDER A SECOND SESSION BUT NOT NOW.

3, STAVROPOULOS SAID HE HAS BEEN REFLECTING ON THE DIFFICULTIES OF CURRENT SITUATION POSED BY THE IMPOSSIBILITY OF OBTAINING AGREEMENT NOW TO A SECOND SESSION AND THE POLITICAL NECESSITY OF GETTING ON WITH CONF WORK IF DESTRUCTIVE UNILATERAL ACTIONS ARE TO BE AVOIDED. THERE WERE TWO PRINCIPAL PROBLEMS IN HOLDING A SECOND SESSION IN THE ABSENCE OF AN EXPRESS GA DECISION TO DO SO, ONE CONCERNING FUNDS, THE SECOND SERVICES. AS TO FUNDS, HE CONSIDERS IT POSSIBLE THAT, WITH STATEMENTS FROM THE GA FLOOR BY IMPORTANT AND NUMEROUS MEMBER STATES AS TO THE POSSIBILITY OF A SECOND SESSION, THE SYG COULD SUBSEQUENTLY APPROACH THE ACABQ IN THE EVENT THE FIRST SESSION IN GENEVA PROVED PRODUCTIVE. (WERE THE GENEVA SESSION NOT PRODUCTIVE, DELS WOULD BE UNLIKELY IN ANY EVENT TO AGREE TO A SECOND SESSION IN 75.) HALL AMPLIFIED THIS BY SAYING IT WOULD BE IMPORTANT AND HELPFUL IF THERE WAS CURRENTLY PUT INTO FIFTH COMMITTEE RECORD AN ENDORSEMENT OF THE IDEA THAT THE CONF MIGHT HAVE TO RECONVENE FOR A SECOND SESSION IN 75. STAVROPOULOS ASKED THAT USUN CONSIDER WAYS IN WHICH WE COULD BE HELPFUL IN THIS RESPECT.

4, AS TO SERVICES, STAVROPOULOS POINTED OUT THAT SERVICES OF INTERPRETERS AND PRECIS WRITERS FOR A SECOND SESSION WOULD HAVE TO BE CONTRACTED FOR BEFORE END OF 74, WHICH WOULD BE IMPOSSIBLE WERE NO DECISION TO HOLD A SECOND SESSION TO HAVE BEEN TAKEN. HOWEVER, THERE COULD BE SUFFICIENT STAFF AT HEADQUARTERS DURING JULY/AUG IN VIEW OF FACT SUCH PERSONNEL ARE ALWAYS MAINTAINED HERE FOR UNSC AND OTHER UNSCHEDULED MTGS. HOWEVER, THIS WOULD RULE OUT GENEVA, VIENNA, CARACAS

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OR, INDEED, ANY OTHER SITE FOR A SECOND SUBSTANTIVE SESSION. HE RECOGNIZED THAT NYC IN LATE SUMMER IS NOT A POPULAR PLACE; HOWEVER, IF GENEVA SESSION HAD GONE WELL, DELS WOULD, HE THOUGHT, OVERCOME THEIR OTHERWISE STRONG RELUCTANCE TO COME HERE.

5. STAVROPOULOS SAID HE IS GLAD TO LEARN THAT US AND MICRONESIANS HAVE AGREED TTPI SHOULD BE AN OBSERVER AT THE CONF. HE HAD SOME DOUBTS THAT OTHER DELS WOULD WELCOME INCLUDING IN THE RES A REF TO THE 1973 GA FINDING (RES 3067) AS TO THE IMPORTANCE OF CONCLUDING THE CONF IN 1975. THE USSR, FRANCE, POSSIBLY JAPAN,

AND A NUMBER OF LDC'S MIGHT PROVE RESISTANT, HE THOUGHT. 6. COMMENT: APART FROM AMERASINGHE, STAVROPOULOS, HALL AND A POSSIBLE FEW OTHERS SUCH AS KENYA, ATTENTION OF GA DELS HAS NOT YET BEGUN TO FOCUS ON LOS CONF ISSUES, GIVEN PREOCCUPATION WITH MIDDLE EAST, SOUTHERN AFRICA AND OTHER MATTERS, WE WOULD EXPECT THIS WOULD CHANGE WHEN EXPERTS PARTICIPATING IN EVENSES TALKS BEGIN TO ARRIVE NYC. SCALI

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**C O N F I D E N T I A L**  
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S.O. 11652: V/A  
TAGS: PLOS

SUBJECT: LOS: REGIONAL CONSULTATIONS  
WE EXPECT THAT BETWEEN NOW AND BEGINNING OF NEXT SESSION  
OF LOS CONFERENCE IN MARCH 1975 MANY NATIONS WILL PAR-  
TICIPATE IN REGIONAL AND INTERREGIONAL MEETINGS AND CON-  
SULTATIONS ON LAW OF THE SEA ISSUES. THESE MEETINGS MAY  
BE OF MAJOR IMPORTANCE IN DETERMINING REGIONAL AND INTER-  
REGIONAL GROUP POSITIONS ON LOS. POSTS ARE REQUESTED  
TO REPORT ON CURRENT BASIS ANY INFORMATION ON SUCH CON-  
SULTATIONS, INCLUDING DATES, PARTICIPANTS AND ISSUES TO  
BE CONSIDERED. KISSINGER

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R 211434Z OCT 74  
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E.O. 11652: N/A  
TAGSI PLOS OAU PORO

SUBJECT: LAW OF THE (LOS) AND THE OAU

1, ACCORDING LOS OAU LEGAL OFFICER EGBUNIKI, OAU HAS NOT YET  
CREATED ANY COMMITTEES TO REVIEW OAU POSITION FOR UPCOMING  
COUNCIL OF MINISTERS MEETING. IF WE LEARN OF ANY SUCH COMMITTEE  
OR REVIEW, EMBASSY WILL INFORM DEPARTMENT.

2, WE FEEL OAU SECRETARIAT BEST POSSIBLE CHANNEL FOR INFORMING  
ORGANIZATION OF OUR LOS POSITION AND BELIEVE SECRETARIAT WOULD  
WELCOME SUCH US INITIATIVES. SEBASTIAN

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R 250118Z *OCT 74*  
 FM USMISSION USUN NY  
 TO RUEHC/SECSTATE WASHDC 6747  
 INFO RUESRS/AMEMBASSY CARACAS 0413  
 RUDTC/AMEMBASSY LONDON 9458  
 RUEHMO/AMEMBASSY MOSCOW 5457  
 RUFNPS/AMEMBASSY PARIS 0675  
 RUEHKO/AMEMBASSY TOKYO 3274  
 RUFHAU/AMEMBASSY VIENNA 1528  
 RUESOR/AMEMBASSY CAIRO 3971  
 RUTAAM/AMEMBASSY DAR ES SALAAM 0396  
 RUQMNI/AMEMBASSY NAIROBI 0386  
 RUMJSN/AMEMBASSY SINGAPORE 0252  
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C O N F I D E N T I A L  
 LIMITED OFFICIAL USE USUN 4414  
 E.O. 11652: N/A

TAGS: PLOS

SUBJ: LOS, CONVERSATIONS ON CONF SCHEDULED

REF: USUN 4196

SUMMARY: J. N. MOORE MET WITH SOME OF LEADERS OF LOS CONF AT  
 UN 23 OCT. TO DISCUSS VIEWS ON SCHEDULING FORMAL SESSIONS OF  
 LOS CONF IN 1975. WE HAVE HAD REPORTS OF SUBSTANTIAL  
 OPPOSITION TO SPECIFYING SECOND SESSION IN 1975 PRIMARILY  
 BECAUSE OF BELIEF THAT FIRST SESSION WOULD NOT UNDERTAKE SERIOUS  
 NEGOTIATION. MOORE EMPHASIZED US VIEWS THAT ADEQUATE TIME  
 MUST BE ALLOWED FOR CONF TO COMPLETE WORK IN 1975. END SUMMARY.

1. JOHN NORTON MOORE HELD SEPARATE MEETINGS IN NEW YORK  
 23 OCT WITH LOS CONF PRESIDENT AMERASINGHE, UNSYG  
 STAVROPOULOS, TANZANIAN DELOFF (WARIOBA), KENYA DELOFF  
 (NJENGA), AND SINGAPORE PERM REP KOH AND HAD TELECONS WITH  
 COLOMBIAN AMB. ZULETA AND JAPANESE DELOFF (IGUCHI) ABOUT,  
 LOS CONF SCHEDULED FOR 1975. IN EACH CONVERSATION  
 MOORE STRESSED ESSENTIALITY OF SCHEDULING SUFFICIENT  
 TIME TO ENABLE LOS CONF TO COMPLETE WORK ON SATISFACTORY  
 BASIS IN 1975. HE URGED INCLUSION OF PROVISION IN UNGA  
 RES PROVIDING FOR TWO EIGHT-WEEK SESSIONS IN 1975  
 AND REINFORCEMENT OF CONCEPT THAT CONF WOULD CONCLUDE  
 WORK IN 1975.

2. WARIOBA SAID THAT AF GROUP HAS HAD PRELIMINARY MEET-

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TOR:250503Z OCT 74

ING ON THIS QUESTION AND IS UNIFIED IN OPPOSITION TO TWO SESSIONS IN 1975. (COMMENT: SEE KENYA BELOW).) HE CITED AS REASONS THAT MANY SMALL STATES CAN'T COPE WITH CONTINUOUS SERIES OF MEETINGS THROUGHOUT YEAR. FURTHER, WARIOBA SAID THAT TWO SESSIONS WOULD MEAN ONLY JUNIOR PERSONNEL FROM MANY DELEGATIONS WOULD ATTEND THE FIRST SESSION AND THEY WOULD NOT ONLY BE DISINCLINED TO NEGOTIATE; THEY WOULD LACK AUTHORITY TO DO SO. MOORE EMPHASIZED EVEN GREATER DANGER INVOLVED IN HAVING ONLY ONE SESSION IF DELEGATES BECAME AWARE THERE WAS INSUFFICIENT TIME TO CONCLUDE THEIR WORK. HE ADDED THAT IT WAS ILLOGICAL TO SCHEDULE ONLY 8 WEEKS OF WORK FOR CONF TO COMPLETE ITS WORK WHEN 16 WEEKS HAD BEEN NORMAL ROUTINE FOR PREPARATORY SEABEDS COMMITTEE WORK. WARIOBA ACKNOWLEDGED THE DANGER TO NEGOTIATIONS IF DELEGATES BELIEVED THEY COULD NOT COMPLETE WORK WITHIN SCHEDULED PERIOD AND SUGGESTED HAVING COMMITTEES TERMINATE AT END OF GENEVA SESSION AND HAVE DRAFTING COMITE AND PLENARY RECONVENE LATER IN YEAR, "PERHAPS IN NOV-DEC, BUT NOT IN SUMMER." WARIOBA SAID IT IS ESSENTIAL THAT CONF NOT COLLAPSE AND THAT IT PRODUCE SOME AGREEMENT ON BASIC ISSUES. EVEN IF IMPERFECT, HE SAID, THE DOCUMENT COULD BE AMENDED LATER ON. ✓

3. DESPITE POSITION TAKEN IN KENYA'S GENERAL DEBATE STATEMENT NJENGA AGREED THAT PROVISION SHOULD BE MADE IN UNGA RES TO ALLOW CONF TO RECONVENE ITSELF IT UNABLE TO COMPLETE ITS WORK AT GENEVA SESSION. HE ACKNOWLEDGED THE NECESSITY OF INCLUDING SPECIFIC AUTHORITY IN THE RES TO ALLOW UN TO BUDGET FOR A SUBSEQUENT SESSION AND HIRE INTERPRETERS AND OTHER ASSISTANTS BUT WAS RELUCTANT TO AGREE TO SPECIFIC MENTION OF DURATION OR SITE. HE BELIEVES LANGUAGE COULD BE FOUND TO ALLOW RECONVENING CONF SESSION IN CARACAS TO COMPLETE ITS WORK.

4. USYG STAVROPOULOS SAID IT WAS ESSENTIAL TO HAVE SECOND SESSION SPECIFICALLY PROVIDED FOR IN RES AND INDICATED HIS PERSONAL OPINION THAT EVEN TWO AND A HALF SESSIONS WOULD BE NECESSARY IN 1975. HE REVIEWED STAFFING PROBLEMS (REFTEL B) AND SAID INTERPRETERS FOR SECOND SESSION WOULD HAVE TO BE HIRED BY MID-NOV IF ✓

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CARACAS OR VIENNA WAS SITE. (HE ADDED THAT FACILITIES IN VIENNA WERE INADEQUATE AND SAID AUSTRIA WAS "SELFISH" IN MAKING THEIR INVITATION.) SUMMER SESSION IN NY WAS POSSIBLE SINCE FACILITIES ARE READILY AVAILABLE BUT HE ACKNOWLEDGED THAT MAJORITY WOULD OPPOSE COMING HERE. HE ALSO SAID THAT IF SUFFICIENT NUMBER OF STATES, ESPECIALLY MAJOR POWERS, MADE IT ABUNDANTLY CLEAR ON UNGA RECORD THAT CONF SHOULD BE ABLE TO RECOVER ITSELF IF IT SO DECIDES, THIS WOULD ENABLE SECRETARIAT TO MAKE PREPARATIONS EVEN WITHOUT SPECIFIC MENTION OF SECOND SESSION IN RES. HE SAID IF MAJORITY WANT TO DO SOMETHING AND IT'S PHYSICALLY POSSIBLE THE "LEGAL ARGUMENTS" AGAINST IT FADE AWAY. HE ALSO SAID THAT IF FIRST SESSION HAS SOME MARKED SUCCESSES NO STATE COULD POSSIBLY OPPOSE RECONVENING. STAVROPOULOS BELIEVES THAT ONLY WAY CONF CAN SUCCEED IN 1975 IS TO GET AGREEMENT ON ECONOMIC ZONE IN FIRST FIVE WEEKS AND THEN TO CONCENTRATE ON TERRITORIAL SEA AND STRAITS. ✓

5. AMB, KOH SAID ARABS, AFRICANS AND LATIN AMERICANS WOULD INSIST ON DELETION OF REFERENCE TO SECOND SESSION IN 1975 IN AMERASINGHE'S DRAFT RES WHEN GROUP OF 77 MEETS ON 25 OCT. HE BELIEVES AMERASINGHE WILL SUCCUMB TO THIS PRESSURE. ACCORDING TO KOH THE LAS ARE ARGUING THAT CONF ITSELF IN CARACAS CLOSED DOOR ON POSSIBILITY OF HOLDING TWO SESSIONS IN 1975. KOH SAID SPECIFIC OPPONENTS WERE NIGERIA, KENYA, EGYPT AND PRC. KOH SPECULATED THAT EGYPT'S MOTIVE MAY BE IDEA THAT OAU MIGHT BE ABLE TO DEVELOP PACKAGE IN 1975 AND GET GROUP OF 77 TO GO ALONG WITH IT. PRC, AND OTHERS, ACCORDING TO KOH, HAVE STATED THERE IS NO REASON TO FINISH IN 1975 AND US DOMESTIC PROBLEMS ARE NO CONCERN OF THEIRS; "US HAS TO MAKE UP THEIR MIND WHETHER THEY ARE MEMBER OF INTERNATIONAL COMMUNITY OR NOT." ✓

6. AMERASINGHE ACKNOWLEDGED OPPOSITION TO SECOND SESSION FROM AF, LA AND SOME ASIANS AND WAS NOT OPTIMISTIC ABOUT HIS ATTEMPTS TO DISSUADE THEM. HE INTENDS TO TRY AGAIN AT THE GROUP OF 77 MEETING ON 25 OCT (LOS IS FIRST AGENDA ITEM). AMERASINGHE SAID THAT HE INTENDS AT GENEVA TO ALLOW COMITE CHAIRMEN TO ATTEMPT NEGOTIATIONS WITHIN OWN COMITES FOR FIRST TWO WEEKS AND THEN HE WILL ACTIVELY ENTER THE PROCESS ACROSS COMITE LINES IF NECESSARY.

7. IN SUBSEQUENT CONVERSATIONS AMB ZULETA, WHO IS CURRENT

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TOR:250503Z OCT 74

CHAIRMAN OF GROUP OF 77, TOLD MOORE THAT HE WAS PERSONALLY SYMPATHETIC TO PROVIDING ADEQUATE SCHEDULE FOR CONF TO CONCLUDE ITS WORK, ON 24 OCT EGYPTIAN MISOFF (HASSOUNA) TOLD USUN MISOFF (REIS) THAT HIS INSTRUCTIONS CALLED FOR SUPPORT OF ONE SUBSTANTIVE SESSION IN 1975 BUT HE WAS ALLOWED SOME FLEXIBILITY ON THE MATTER, REIS REVIEWED US VIEWS ON SCHEDULING BUT HASSOUNA GAVE NO COMMITMENTS. SCALI

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TOR:180415Z OCT 74

R 172240Z OCT 74  
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C O N F I D E N T I A L  
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E.O. 11652: N/A  
TAGS: PLOS, ET, PORG

LOS Chron

SUBJECT: LAW OF THE (LOS) AND THE OAU  
TO HELP IN PLANNING OUR APPROACH TO AFRICAN NATIONS ON  
LOS QUESTIONS IN THE NEXT FEW MONTHS, WOULD APPRECIATE  
KNOWING THE MAKEUP OF ANY OAU COMMITTEES ESTABLISHED  
TO PREPARE OAU POSITIONS FOR UPCOMING COUNCIL OF  
MINISTERS MEETINGS. WOULD ALSO APPRECIATE YOUR ESTIMATE  
OF EFFECTIVENESS OUR USING OAU SECRETARIAT AS A CHANNEL  
FOR INFORMING THE ORGANIZATION OF OUR LOS POSITION. KISSINGER

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ZEN/AMEMBASSY ROME 0000  
ZEN/AMEMBASSY THE HAGUE 0000  
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C O N F I D E N T I A L STATE 232115  
E.O. 11652: GDS

TAGS: PLOS, UN

SUBJECT: LOS: CONFERENCE RESOLUTION

REF: STATE 225996 (NOTAL), USUN 4196 (NOTAL)

1. LOS CONFERENCE PRESIDENT AMERASINGHE HAS PROPOSED UN RESOLUTION ON LOS CONFERENCE WHICH WOULD, AMONG OTHER MATTERS, APPROVE DECISION OF LOS CONFERENCE TO HOLD NEXT SESSION IN GENEVA MARCH 17-MAY 10 AND AUTHORIZE CONFERENCE TO HOLD FURTHER SESSION, IF IT DECIDES THIS IS NECESSARY. SITE AND LENGTH OF SECOND SESSION ARE LEFT BLANK IN DRAFT RESOLUTION. RESOLUTION WOULD ALSO NOTE DECISION OF CONFERENCE TO ACCEPT INVITATION OF GOVERNMENT OF VENEZUELA TO MEET IN CARACAS AT AN APPROPRIATE DATE FOR PURPOSE OF SIGNING THE FINAL ACT AND RELATED INSTRUMENTS ADOPTED BY CONFERENCE. DRAFT RESOLUTION HAS BEEN CIRCULATED TO MEMBER NATIONS IN NEW YORK.

2. U.S. BELIEVES IT ESSENTIAL THAT ALL NECESSARY STEPS BE TAKEN TO INSURE THAT THERE IS ADEQUATE TIME SET ASIDE TO COMPLETE LOS NEGOTIATIONS IN 1975. WHILE WE WOULD HOPE THAT THIS COULD BE ACCOMPLISHED DURING EIGHT-WEEK SESSION IN GENEVA AND INTEND TO WORK FOR THAT RESULT, WE

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TOR:230943Z OCT 74

BELIEVE THAT REALISTICALLY UN MUST PROVIDE FOR ADDITIONAL TIME FOR SUBSTANTIVE CONFERENCE SESSION WITH A MINIMUM OF SIX WEEKS AND PREFERABLY EIGHT. U.S. HAS NO PREFERENCE AS BETWEEN VIENNA OR CARACAS (OR NEW YORK) FOR ADDITIONAL SUBSTANTIVE SESSION BUT ASSUMES THAT VIENNA IS MOST LIKELY TO HAVE GENERAL SUPPORT. WE HAVE INSTRUCTED USUN TO SUPPORT AMERASINGHE'S DRAFT CONFERENCE RESOLUTION AND TO SEEK INCLUSION OF SPECIFIC LANGUAGE IN RESOLUTION PROVIDING FOR EIGHT-WEEK SESSION IN VIENNA IF GENEVA SESSION DECIDES THIS IS NECESSARY. LOS ITEM WILL BE CONSIDERED BY UNGA OCTOBER 31. WE UNDERSTAND THAT AMERASINGHE HOPES TO ACHIEVE CONSENSUS ON RESOLUTION PRIOR TO UNGA CONSIDERATION AND THEREFORE DECISION ON TIMING AND SITE WILL PROBABLY BE MADE IN CORRIDOR NEGOTIATIONS AND REGIONAL GROUP MEETINGS IN NEXT TWO WEEKS.

3. ACTION ADDRESSES SHOULD INDICATE TO APPROPRIATE OFFICIALS U.S. VIEWS ON CONFERENCE SCHEDULING AND SITE FOR 1975, AND URGE SUPPORT FOR AMERASINGHE'S DRAFT CONFERENCE RESOLUTION INCLUDING PROVISIONS FOR POSSIBLE ADDITIONAL SESSION. STATEMENTS FROM NUMEROUS AND INFLUENTIAL MEMBER STATES ON POSSIBILITY OF SECOND SESSION MAY BE NECESSARY IN UN DEBATE ON LOS ITEM TO ENABLE UN SECRETARY GENERAL TO APPROACH ACABQ TO OBTAIN FUNDS FOR SECOND SESSION. THE U.S. DELEGATION PLANS TO MAKE STATEMENT DURING DEBATE ON LOS ITEM ON POSSIBLE NEED FOR SECOND SESSION. ACTION ADDRESSES SHOULD URGE HOST GOVERNMENT TO HAVE THEIR DELEGATES MAKE SIMILAR STATEMENTS IN DEBATE.

4. POSTS SHOULD MAKE FOLLOWING POINTS: A) USG BELIEVES THAT GIVEN ADEQUATE TIME AND THE POLITICAL WILL IT IS POSSIBLE TO COMPLETE CONFERENCE ON SCHEDULE, I.E., IN 1975, AND WOULD PREFER THAT THIS BE ACCOMPLISHED IN SHORTEST POSSIBLE TIME; B) HOWEVER, DUE TO COMPLEXITY AND NUMBER OF ISSUES INVOLVED AND MECHANICS OF VOTING, EIGHT WEEKS MAY NOT BE ADEQUATE EVEN IF ALL PARTICIPANTS IN THE CONFERENCE ARE DETERMINED TO COMPLETE CONFERENCE IN SHORTEST POSSIBLE TIME; C) WE DO NOT CONSIDER IT IN THE INTEREST OF THE CONFERENCE TO DELAY COMPLETION UNTIL 1976. THE ISSUES WILL BECOME MORE DIFFICULT AND INTRACTABLE WITH THE PASSAGE OF TIME. THEREFORE DELAYS IN THE COMPLETION OF THE CONFERENCE WILL RESULT IN MORE TOTAL TIME SPENT IN

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TOR:230943Z OCT 74

NEGOTIATIONS RATHER THAN LESS; D) WE ARE AWARE OF RISK THAT SCHEDULING TWO SESSIONS MAY REMOVE INCENTIVE TO NEGOTIATE AT MARCH MEETING. HOWEVER, IF THERE IS SERIOUS COMMITMENT FROM MAJORITY OF NATIONS TO COMPLETE NEGOTIATIONS IN 1975 ACCORDING TO UNGA SCHEDULE THIS DISADVANTAGE SHOULD BE REDUCED. FURTHER, IF SUFFICIENT TIME IN 1975 IS NOT PROVIDED FOR, MANY NATIONS MAY CONCLUDE THAT COMPLETION OF NEGOTIATIONS IN 1975 IS NOT REALISTIC AND LACK OF INCENTIVE TO NEGOTIATE IN MARCH SESSION WOULD BE AS GREAT OR GREATER; AND E) FOR THESE REASONS WE ARE SUPPORTING AMERASINGHE'S DRAFT CONFERENCE RESOLUTION WITH SOME MODIFICATIONS AND HOPE THAT OTHER COUNTRIES WILL ALSO.

5. FOR EMBASSIES MOSCOW, PARIS AND TOKYO: WE HAVE OBSERVED SOME RELUCTANCE ON PART OF USSR, JAPAN AND, MOST CLEARLY, FRANCE, TO AGREE TO RAPID WORK PROGRAM. THIS WAS PARTICULARLY EVIDENT AT END OF CARACAS SESSION. EMBASSIES MOSCOW, PARIS AND TOKYO MAY ENCOUNTER SOME RESISTANCE, THEREFORE, TO SUPPORTING AMERASINGHE'S PROPOSAL ON CONFERENCE SCHEDULE. POSTS SHOULD MAKE POINTS SET OUT IN PARA 4 AND SHOULD, IN ADDITION, MAKE POINTS THAT DOMESTIC PRESSURES WITHIN U.S. TO TAKE UNILATERAL ACTION WILL GROW IMMEASURABLY IF SUBSTANTIAL PROGRESS NOT MADE IN 1975. IF HOST GOVERNMENTS DO INDICATE OPPOSITION TO TWO SUBSTANTIVE SESSIONS IN 1975 DEPARTMENT WOULD APPRECIATE POSTS' ASSESSMENT OF CONSIDERATIONS BEHIND THIS POLICY.

6. FOR EMBASSIES LONDON, OSLO, THE HAGUE, REYKJAVIK, OTTAWA, ROME, COPENHAGEN, CANBERRA. WE WOULD EXPECT HOST GOVERNMENTS WOULD BE SYMPATHETIC TO AMERASINGHE'S PROPOSED CONFERENCE RESOLUTION SO AS TO PERM CONCLUSION OF WORK ACCORDING TO UN SCHEDULE.

7. FOR EMBASSY MEXICO CITY. THE MEXICAN DELEGATION TO LOS CONFERENCE OPPOSED IDEA OF TWO SESSIONS IN 1975 AND MAY OPPOSE THIS PROVISION IN CONFERENCE RESOLUTION. POST IN ADDITION TO POINTS IN PARA 4 SHOULD NOTE THAT GOM HAS PLAYED CONSTRUCTIVE ROLE IN LOS NEGOTIATIONS, THAT US AND MEXICO HAVE MANY COMMON OBJECTIVES AND IT IS IN OUR COMMON INTERESTS TO ACHIEVE SUCCESSFUL LOS CONFERENCE WHICH

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WILL SETTLE ISSUES MULTILATERALLY. THESE COMMON INTERESTS CAN BE ACHIEVED THROUGH TIMELY CONCLUSION OF CONFERENCE IN 1975.

8. FOR ALL OTHER POSTS: POSTS SHOULD NOT RPT NOT RAISE ISSUE WITH HOST GOVERNMENTS. HOWEVER, IF QUERIED ON ISSUE OF CONFERENCE RESOLUTION, POSTS SHOULD MAKE POINTS CONTAINED PARA 4. KISSINGER

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